

DEPARTMENT OF INDUSTRIAL RELATIONS
OFFICE OF THE DIRECTOR
455 Golden Gate Avenue
San Francisco, CA 94102



May 12, 1999

Jeff F. Anderson
Vice President
Vadnais Corporation
12760 High Bluff Drive, Suite 370
San Diego, CA 92130-2020

RE: Public Works Case No. 99-004
Peters Canyon Trunk Sewer Project Curb and Gutter Repair Work
Irvine Ranch Water District

Dear Mr. Anderson:

This constitutes the determination of the Director of the Department of Industrial Relations regarding coverage of the above-named project under the public works laws and is made pursuant to 8 California Code of Regulations (CCR) section 16000(a). Based upon my review of the documents submitted and the applicable laws and regulations pertaining to public works, it is my determination that the curb and gutter repair work by the Vadnais Corporation ("Vadnais") for the Irvine Ranch Water District ("District") is a "public works" within the meaning of Labor Code section 1720(a).

Vadnais had entered into a contract with the District for the construction of the Peters Canyon Trunk Sewer Project ("Project"). During work on the Project, Vadnais damaged existing curb and gutter sections. Vadnais plans to repair this damage without any further payment from the District.

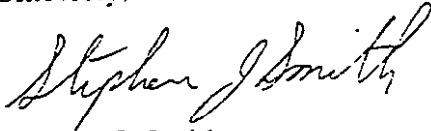
Labor Code section 1720 generally defines public works to mean "Construction, alteration, demolition, or repair work done under contract and paid for in whole or in part out of public funds. . ." In this case, the original Project was a public works because it involves a contract between the District and Vadnais for construction that was being paid for out of public funds. Accordingly, Vadnais did pay prevailing wages on the Project. The question is whether the curb and gutter repair work is also a public works requiring the payment of prevailing wages.

The facts in this case are analogous to those in a prior precedential determination. Public Works Precedential Decision No. 96-008, City of Vacaville Water Treatment Plant Rehabilitation, dated July 17, 1996. In that case, the subsequent repair work was determined to be a public works because it arose out of the work done on a public works project. Likewise, the curb and gutter repair work required in this case arose out of Vadnais' performance of its original public works

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contract with the District. Therefore, the curb and gutter repair work here is a public works within the meaning of the Labor Code.

Sincerely,

A handwritten signature in cursive script that reads "Stephen J. Smith".

Stephen J. Smith
Director

cc: Marcy Vacura Saunders, Labor Commissioner
Rita Tsuda, Deputy Chief, DAS
Vanessa L. Holton, Assistant Chief Counsel
Maria Robbins, Deputy Chief, DLSR